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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/821,165 | 04/08/2004 | Wilfried Raehse | H 5416 PCT/US | 1267 |
| 423 | 7590 | 05/31/2005 | EXAMINER | |
| HENKEL CORPORATION THE TRIAD, SUITE 200 2200 RENAISSANCE BLVD. GULPH MILLS, PA 19406 | | | DOUYON, LORNA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1751 | |

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/821,165 | Applicant(s) RAEHSE ET AL. | |
| | Examiner Lorna M. Douyon | Art Unit 1751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46,53,54 and 56-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46,53,54 and 56-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on February 23, 2005.
2. Claims 1-46, 53-54, 56-73 are pending.
3. The objection to claims 40, 57-64 is withdrawn in view of applicants' amendment and arguments therein.
4. The rejection of claims 1-46, 55-73 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wysong (US Patent No. 4,115,971) is withdrawn in view of applicants' amendment.
5. The rejection of claims 1-48, 51-52 and 55-72 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB 1,330,745 is withdrawn in view of applicants' amendment.
6. The rejection of claims 1-72 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Dehan (US Patent No. 4,886,615) is withdrawn in view of applicants' amendment.
7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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8. Claims 4-6 are objected to because of the following informalities: in line 2 of each claim, the phrase "closure" should be replaced with "enclosure" to be consistent with the rest of the claims. Appropriate correction is required.

9. Claims 56-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 56-72 are indefinite because the recited polymers as enclosures lack support with respect to claim 1 to which these claims are directly or indirectly dependent upon. Claim 1, as amended, limited the enclosure which does not include those recited in claim 56.

10. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heile et al. (US Patent No. 5,759,988), hereinafter "Heile".

Heile teaches a detergent article coated with a film enclosure which includes polyalkyloxazoline and polyesters, among many, having a film thickness from about 1 mil to 15 mil (equivalent to about 375 μm). Heile, however, fails to disclose the properties of the unfilled enclosure as those recited in the claims, e.g., deformability, recovery rate and crushing resistance.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the film enclosure of Heile to exhibit similar properties as those recited because structurally similar compounds are generally expected to have similar properties, see *In re Gyurik*, 596 F. 2d 1012, 201 USPQ 552. The reference is deemed to teach the claimed

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composition; the applicant or applicants need to show that his, her, or their invention is actually different from and unexpectedly better than the prior art, see *In re Best*, 195 USPQ 430, 433, 434 (CCPA 1977).

11. Claims 1-46, 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huff (US Patent No. 6,040,286).

Huff teaches a laundry product contained in a detergent bag which is made from nonwoven polyester material having a thickness in the range of 2.0 mm - 8.0 mm (equivalent to 2,000 μ m - 8,000 μ m). Huff, however, fails to disclose the properties of the unfilled enclosure as those recited in the claims, e.g., deformability, recovery rate and crushing resistance.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the detergent bag of Heile to exhibit similar properties as those recited because structurally similar compounds are generally expected to have similar properties, see *In re Gyurik*, 596 F. 2d 1012, 201 USPQ 552. The reference is deemed to teach the claimed composition; the applicant or applicants need to show that his, her, or their invention is actually different from and unexpectedly better than the prior art, see *In re Best*, 195 USPQ 430, 433, 434 (CCPA 1977).

12. Claims 1-46, 53-54 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (WO 02/06431), hereinafter "Weber". (US 2004/0029764, the English equivalent will also be used as the translation.)

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Weber teaches a portion of a detergent which is contained in one or more dimensionally stable hollow bodies with at least one compartment, the portion comprising (a) at least one formulation with a detergent action; (b) at least one envelop entirely or partially encompassing at least one formulation according to (a), consisting of a non-pressed material which disintegrates in washing or rinsing conditions and which gives the hollow body(ies) dimensional stability; and (c) optionally, one or more devices for forming compartments in the dimensionally stable hollow body(ies), and to a method for producing a detergent portion which is produced by injection molding or solidifying (see abstract of WO '431). Appropriate materials for the hollow body comprise one or more materials from the group consisting of polyacrylamides, oxazoline polymers, polystyrenesulfonates, polyurethanes and mixtures thereof (see page 43 paragraph [0557] of the US Pub '764). The wall thickness of the hollow body is from 100 to 5000 μm (see page 24 paragraph [0344] of US Pub '764). Weber, however, fails to disclose the properties of the unfilled enclosure as those recited in the claims, e.g., deformability, recovery rate and crushing resistance.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the film enclosure of Weber to exhibit similar properties as those recited because structurally similar compounds are generally expected to have similar properties, see *In re Gyurik*, 596 F. 2d 1012, 201 USPQ 552. The reference is deemed to teach the claimed composition; the applicant or applicants need to show that his, her, or their invention is actually different from and unexpectedly better than the prior art, see *In re Best*, 195 USPQ 430, 433, 434 (CCPA 1977).

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Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313.

The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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